S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4508/2007
(Smt. Chetna and Anr. Vs. State of Rajasthan)

DATE OF ORDER : 20/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Mahipal Vishnoi for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

Learned public prosecutor submits that the statement of petitioner No.1 Smt. Chetna who is said to be the victim of the offence has been recorded by the police and she stated that she voluntarily went with the petitioner No.2 Nand Kishore and married to him.

In view of the statement of prosecutrix, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner Nand Kishore under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner No.2 u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Shri Nand Kishore Bhutra S/o Jhumarlal Bhutra in FIR No. 144/2007 P.S. Osiya, district Jodhpur, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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